

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Plaintiff,

v.

GEN DIGITAL INC.,
f/k/a SYMANTEC CORPORATION,
f/k/a NORTONLIFELOCK, INC.,

Defendant.

Civil Action No. 3:13-cv-00808-MHL

**STIPULATION REGARDING THE AMOUNT OF ATTORNEYS' FEES,
TAXABLE COSTS, SUPPLEMENTAL DAMAGES, AND INTEREST**

Plaintiff, The Trustees of Columbia University in the City of New York (“Columbia”), and Defendant, Gen Digital Inc. (“Gen Digital,” and together with Columbia, “the Parties”), by and through their counsel, enter into this stipulation.

WHEREAS, on May 2, 2022, the jury in the above-captioned matter returned a verdict finding that Gen Digital willfully infringed U.S. Patent Nos. 8,074,115 (“the ’115 Patent”) and 8,601,322 (“the ’322 Patent”) (together, the “Asserted Patents”);

WHEREAS, the jury awarded reasonable royalty damages to Columbia totaling \$185,112,727.00 for Gen Digital’s infringement of the Asserted Patents for the period from December 6, 2011 through February 28, 2022;

WHEREAS, on June 3, 2022, the Parties entered into a stipulation regarding certain post-trial issues, which provided that (i) “[p]rejudgment interest shall be included on damages for [Gen Digital]’s sales of” products found by the jury to infringe (the “Adjudicated Products”) “through the date of judgment, calculated at the prime rate in each quarter over which interest

accrues, compounded quarterly”; (ii) “[p]ost-judgment interest shall be included on the total award in the judgment, calculated at the statutory rate under 28 U.S.C. § 1961(a)”; (iii) and “[s]upplemental damages shall be included for sales of Adjudicated Products between March 1, 2022 and the date of judgment . . . , calculated by applying the jury’s 1% royalty rate to [Gen Digital]’s revenue for sales of Adjudicated Products,” and further provided that “[i]n order to calculate Supplemental Damages . . . [Gen Digital] shall produce to Columbia updated sales data for the Adjudicated Products” following the entry of judgment (Dkt. No. 1247 ¶¶ 1-4);

WHEREAS, on September 30, 2023, the Court entered Final Judgment (Dkt. 1342), which awarded to Columbia (i) enhanced damages of 2.6 times the jury award, for a total award of \$481,293,090.00 (*id.* ¶ 17); (ii) prejudgment interest, post-judgment interest, and supplemental damages to be calculated in accordance with the June 3, 2022 stipulation (*id.* ¶¶ 13-14, 16); and attorneys’ fees, and further ordered the parties to meet and confer regarding the amount of the attorneys’ fees award (*id.* ¶ 18);

WHEREAS, on October 13, 2023, upon the consent motion of Columbia (Dkt. 1343), the Court stayed the deadline for Columbia to file its bill of costs pursuant to Fed. R. Civ. P. 54(d)(1) until November 30, 2023 in order to allow the Parties to discuss a potential resolution regarding Columbia’s taxable costs (Dkt. 1344);

WHEREAS, Gen Digital has represented to Columbia that the SONAR/BASH decision tree feature found by the jury to infringe was removed from the products that the jury found to infringe for all customers on or around May 17, 2022;

WHEREAS, Gen Digital has appealed the Final Judgment and has obtained a *supersedeas bond* in the amount of \$600,000,000.00, which is attached hereto as Ex. A.; and

WHEREAS, the Parties have met and conferred regarding the above issues.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. The amount of attorneys' fees awarded to Columbia pursuant to the Final Judgment shall be \$20,650,000.00.

2. Columbia shall be entitled to an award of taxable costs, pursuant to 28 U.S.C. § 1920, in the amount of \$277,626.70.

3. The parties have conferred on supplemental damages pursuant to this Court's September 30, 2023 Final Judgment (Dkt. 1342, paragraph 13) and agree that the amount of supplemental damages awarded to Columbia pursuant to the Final Judgment shall be at least \$4,783,381.00 (\$2,970,301.60 of which is for sales to customers located in the United States). The parties continue to confer on whether Gen Digital owes additional supplemental damages to Columbia, and should the parties not reach agreement, the parties agree to address any dispute in briefing to the Court after the resolution of Gen Digital's appeal.

4. The total amount of prejudgment interest awarded to Columbia pursuant to the Final Judgment shall be \$70,986,195.00 (\$35,057,789.00 of which is for sales to customers located in the United States).

5. The total amount awarded to Columbia pursuant to the Final Judgment, including enhanced damages, supplemental damages, prejudgment interest, attorneys' fees, and taxable costs, before post-judgment interest, is \$577,990.292.70 (\$296,204,448.00 of which is for sales to customers located in the United States).

6. The total amount of estimated post-judgment interest (based on an estimated 18-month accrual period) is \$22,100,657.00 (\$11,005,336.00 of which is for sales to customers located in the United States). The Parties will adjust post-judgment interest, to be calculated as stipulated between the parties, based on the actual accrual period should all or some of the final judgment be affirmed on appeal.

7. The total amount awarded to Columbia pursuant to the Final Judgment, including estimated post-judgment interest for an 18-month accrual period, is \$600,090,950.00 (\$307,530,439.00 of which is for sales to customers located in the United States).

8. Gen Digital has obtained a *supersedeas* bond in the amount of \$600,000,000.00 to stay execution of the judgment pending appeal.

9. The Parties have agreed that they retain all rights regarding the above matters, in the event that the Court's Final Judgment is reversed, modified, or vacated on appeal.

Dated: October 30, 2023

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
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